

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:12-Cr-139

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	ORDER
)	
v.)	
)	
JOSE SEGOVIA,)	
)	
Defendant)	

DEFENDANT, JOSE SEGOVIA, appeals United States Magistrate Judge David Keesler's order of April 23, 2012, detaining the Defendant pending trial (Doc. No. 159).¹ The Court has promptly reviewed *de novo* the record on this issue and affirms the Magistrate Judge's order of detention.

First, Congress established a rebuttable presumption that the Defendant be detained pending his trial on conspiracy to distribute cocaine and marijuana.

Second, the Defendant has virtually no ties to the Western District of North Carolina. While he has ties to Texas, pending trial he needs to remain in this District under the supervision of this Probation Office and near his attorney. Also, allowing him to be on bond in Texas so close to the border raises a serious concern about risk of flight.

Third, the Defendant has a prior escape conviction. While he attempts to minimize it in his motion, it is what it is – he defied law enforcement and fled. This makes his credibility tenuous at best.

¹Defendant did not file this appeal until December 3, 2012.

Fourth, from what is in the record, the United States appears to have a relatively strong case against the Defendant.

Fifth, while the Defendant contends that his pretrial detention has been lengthy, he has only been detained approximately eight months. Based on this Court's heavy caseload and the large number of co-defendants who have consistently sought continuances in order to have adequate time to prepare for a major federal trial, the Defendant has not been detained in violation of his constitutional and/or statutory speedy trial or due process rights.

THEREFORE, the Court finds that the Defendant is a serious risk of flight and no condition or combination of conditions can assure the Defendant's appearance at trial;

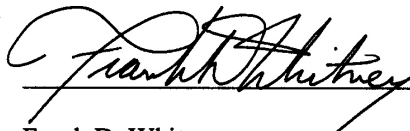
AND THEREFORE, the Court finds that detention of the Defendant pending trial is appropriate;

AND THEREFORE, the Court affirms the Magistrate Judge's order of detention;

AND THEREFORE, Defendant's Motion for Revocation of the Magistrate's Judge's Order of Detention (Doc. No. 159) is DENIED;

AND THEREFORE, because the record is more than adequate for the Court to rule on this issue, Defendants' request for a further hearing is DENIED.

Signed: December 5, 2012


Frank D. Whitney
United States District Judge

